



Clark County Air Pollution Control Hearing Board
Clark County Building Department
Presentation Room
4701 West Russell Road
Las Vegas, NV 89118

December 4, 2024 – 1:30 P.M.

Agenda

Note:

- Items on the agenda may be taken out of order.
- The Air Pollution Control Hearing Board may combine two (2) or more agenda items for consideration.
- The Air Pollution Control Hearing Board may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-0354, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD
- Supporting material provided to the Board members for this meeting may be requested from Sherrie Rogge, Administrative Secretary, at sherrie.rogge@clarkcountynv.gov or (702) 455-0354.
- Supporting material is also available at the Clark County Department of Environment & Sustainability, 4701 West Russell Road, 2nd Floor, Las Vegas NV 89118.
- Supporting material is/will be available on the Department's website at: https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement_notices.php

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| Hearing Board Members | Daniel Sanders, Chair Ryan L. Dennett, Esq., Vice-Chair Daniel Bartlett Donald Bordelove Troy Hildreth Amy Lahav |
| Hearing Board Counsel | Nichole Kazimirovicz Tyler T. Smith |
| Air Quality Staff | Marci Henson, Director Shibi Paul, Compliance & Enforcement Manager Anna Sutowska, Air Quality Supervisor |
| Department Counsel | Catherine Jorgenson |
| Administrative Secretary | Sherrie Rogge, Phone: 702-455-0354; Email sherrie.rogge@clarkcountynv.gov Business Address: Clark County Department of Environment & Sustainability, 4701 W. Russell Road, 2 nd Floor, Las Vegas NV 89118 |

1. **CALL TO ORDER**

2. **PUBLIC COMMENT**

This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.

3. **APPROVAL OF MINUTES**

Approval of the September 16, 2024 and October 2, 2024 meeting minutes.
(For possible action)

4. **STATUS CHECK REGARDING NOVs #9907, #9946, #9979, #9981, AND #10081**

A. Update on Appellants' representation.

B. Schedule hearing on appeal of hearing officer orders in the matter of Notices of Violation: #9907 issued to Assured Development, Inc. and Joseph Yakubik; #9946, #9979, and #10008 issued to Atlas Holdings International LLC and Joseph Yakubik; and #9981 issued to Joseph Yakubik and Darcie Yakubik for January 16, 2025, at 10:00 a.m. or January 21, 2025, at 10:00 a.m.

(For possible action)

C. Schedule date to submit pre-hearing briefs, exhibits, and witness lists.

(For possible action)

D. Update on additional records requests.

5. **ETON TRANSPORTATION CORP. (DCOP #57148)**

NOV #9994 – On November 5, 2024, the Hearing Officer found ETON Transportation Corp. in violation of Sections 94.13(a) and (b) for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Air Quality Specialist Canduella Rowsell, Senior Air Quality Specialists Katrinka Byers and Andrew Kirk, and Air Quality Supervisor David Dean during a routine inspection on January 8, 2024, and follow-up inspections on January 9 and 17, 2024 at the Stratford-1 construction project, located at 2596 Stratford Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of \$3,500.00. Respondent appealed.

A. Schedule hearing on appeal for February 5, 2025, at 10:00 a.m.

(For possible action)

B. Schedule date to submit pre-hearing briefs, exhibits, and witness lists.

(For possible action)

6. **ETON TRANSPORTATION CORP., ENVIRONMENTAL TRANSPORTATION OF NEVADA, LLC D/B/A ETON, AND MOE TRUMAN, INDIVIDUALLY (DCOP #57148)**

NOV #10078 – On November 5, 2024, the Hearing Officer found ETON Transportation Corp., Environmental Transportation of Nevada, LLC d/b/a ETON, and Moe Truman, individually, in violation of Sections 94.13(a) and (b) for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, and Section 4.1(d)(1) for refusing entry or access to the Control Officer who requests entry for purposes of inspection, as identified by Air Quality Specialists Canduella Rowsell and Noel Crandall, and Senior Air Quality Specialist Andrew Kirk during a routine inspection on July 17, 2024, and follow-up inspections on July 25 and 31, 2024, and August 7 and 14, 2024, at the Stratford-1 construction project, located at 2596 Stratford Avenue, in Clark County Nevada. The Hearing Officer assessed a penalty amount of \$17,250.00. Respondents appealed.

- A. Schedule hearing on appeal for February 5, 2025, at 10:00 a.m.
(For possible action)
- B. Schedule date to submit pre-hearing briefs, exhibits, and witness lists.
(For possible action)

7. **APPEAL OF HEARING OFFICER DECISION**

A. **GYP SUM RESOURCES, LLC (Part 70 Operating Permit, Source ID: 17286)**

NOV #10036 – On September 19, 2024, the Hearing Officer found Gypsum Resources, LLC in violation of their 2022 Permit conditions II.B.1, II.D.8, III.G.4.a, and III.D.5 for installing and operating an unpermitted Doosan, diesel-fired, continuous-duty, 755 horsepower (hp) engine during the period from November 22, 2023, through January 29, 2024, an unpermitted Cummins, diesel-fired, continuous-duty, 1,350 hp engine during the period from October 13, 2023, through March 31, 2024, and for operating the unpaved haul road to the R07 mine at a length of 4.8 miles round trip exceeding the permitted length of 1.2 miles round trip, without first obtaining an Authority to Construct (ATC) permit from the Control Officer; for failing to report a deviation in the 2023, 2nd semi-annual report that the unpaved haul road (Emission Unit: B04) length was modified in October 2023; and for failing to have a certified opacity reader on-site at all times the Facility was operating for a total of 134 days during the period of October 1, 2023, through March 31, 2024, as identified by Senior Air Quality Specialist Scott Rowsell during a full compliance evaluation on March 27, 2024 at the gypsum processing operation located at 8360 Nevada Highway 159, in Clark County, Nevada. Prior to the Hearing, Air Quality amended NOV #10036 to correct a miscalculation in the recommended penalty amount for the two unpermitted engines in Violation #1. The amended penalty amount for the unpermitted Doosan, diesel-fired, continuous-duty, 755 hp engine is \$9,314.08. The amended penalty amount for the Cummins, diesel-fired, continuous-duty, 1,350 hp engine is \$13,622.06. The amended recommended total penalty amount for NOV #10036 is \$34,915.54 reflected on pages 2 and 8 of the NOV and Exhibit A, the Penalty Calculation Table. The Hearing Officer assessed a penalty amount of \$34,915.54 with \$1,855.54 of that penalty to be held in abeyance with the stipulation that Gypsum Resources LLC does not have new violations of AQRs in the same or similar category as 2022 Permit condition II.B.1 before September 19, 2025, takes steps to mitigate/correct existing violation #1 by submitting an ATC application to Air Quality within 30 days of the date of the Hearing Officer Order, and pays the reduced penalty within 30 days of the date of the Hearing Officer Order.

Conduct Hearing and Render Decision
(For possible action.)

B. HOLCIM - SWR, INC. (Part 70 Operating Permit, Source ID: 372)

NOV #10048 – On September 19, 2024, the Hearing Officer found Holcim-SWR, Inc., in violation of the 2022 Permit condition III.B.31 for allowing controllable particulate matter from the Haul Road (Emission Unit: H06) to become airborne, and 2022 Permit condition III.D.12 for allowing fugitive dust to become airborne without taking reasonable precautions, as identified by Senior Air Quality Specialist Michael Newell while performing an inspection during routine surveillance on June 22, 2024 at the sand and gravel, hot mix asphalt, and ready-mix concrete operation known as Holcim – SWR Inc.: Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada. The Hearing Officer assessed a penalty of \$1,875.00 with \$375.00 of that penalty to be held in abeyance with the stipulation that Holcim-SWR, Inc., does not violate AQRs before September 19, 2025, and pays the reduced penalty within 30 days of the date of the Hearing Officer Order.

Conduct Hearing and Render Decision
(For possible action.)

8. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT A FUTURE MEETING

9. PUBLIC COMMENT

A period devoted to comments by the general public about matters relevant to the Board’s jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.

10. ADJOURNMENT

The Presentation Room is accessible to individuals with disabilities. Within forty-eight (48) hour advanced request, a sign language interpreter may be made available by contacting (702) 455-0354 or TDD (702) 385-7486 or Nevada Relay toll-free (800) 326-6868, TT/TDD. Assistive listening devices are available upon request.

This meeting has been properly noticed and posted online at: https://clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/enforcement/notices.php and Nevada Public Notice at <https://notice.nv.gov/> and in the following location:

Clark County Operations Center, West, 4701 W. Russell Road, Las Vegas, Nevada (Principal Office)